

ARTICLE 16. SECONDARY DRINKING WATER STANDARDS

Section 64449. Secondary Maximum Contaminant Levels and Compliance.

(a) The secondary MCLs shown in Tables 64449-A and 64449-B shall not be exceeded in the water supplied to the public by community water systems. ~~, because these constituents may adversely affect the taste, odor or appearance of drinking water.~~

Table 64449-A
Secondary Maximum Contaminant Levels
~~Consumer Acceptance Limits~~

<i>Constituents</i>	<i>Maximum Contaminant Levels/Units</i>
Aluminum	0.2 mg/L
Color	15 Units
Copper	1.0 mg/L
Corrosivity	Non-corrosive
Foaming Agents (MBAS)	0.5 mg/L
Iron	0.3 mg/L
Manganese	0.05 mg/L
Methyl- <i>tert</i> -butyl ether (MTBE)	0.005 mg/L
Odor—Threshold	3 Units
Silver	0.1 mg/L
Thiobencarb	0.001 mg/L
Turbidity	5 Units
Zinc	5.0 mg/L

Table 64449-B
Secondary Maximum Contaminant Levels - Ranges

<i>Constituent, Units</i>	<i>Maximum Contaminant Level Ranges</i>		
	<i>Recommended</i>	<i>Upper</i>	<i>Short Term</i>
Total Dissolved Solids, mg/L or	500	1,000	1,500
Specific Conductance, micromhos	900	1,600	2,200
Chloride, mg/L	250	500	600
Sulfate, mg/L	250	500	600

~~(b) The secondary MCLs listed in Table 64449-A shall not be exceeded in:~~

~~(1) New community water systems.~~

~~(2) New sources developed for existing community water systems.~~

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~~(3) Existing community water systems.~~

~~(e) Community groundwater systems~~

~~(b) Each community water system shall monitor its groundwater sources every three years and its approved surface water systems shall monitor sources annually for the following:~~

- ~~(1) Secondary MCLs listed in Tables 64449-A and 64449-B; and~~
- ~~(2) Bicarbonate, carbonate, and hydroxide alkalinity, calcium, magnesium, sodium, pH, and total hardness.~~

~~(c) If the level of any contaminant in Table 64449-A exceeds an MCL, the system shall proceed as follows:~~

- ~~(1) If monitoring quarterly, determine compliance by a running annual average of quarterly samples;~~
- ~~(2) If not monitoring quarterly, initiate quarterly monitoring and determine compliance on the basis of an average of the initial sample and the next three consecutive quarterly samples collected;~~
- ~~(3) If a violation has occurred (average of four consecutive quarterly samples exceeds an MCL), inform the Department when reporting pursuant to Section 64451;~~
- ~~(4) After one year of quarterly monitoring during which all the results are below the MCL and the results do not indicate any trend toward exceeding the MCL, the system may request the Department to allow a reduced monitoring frequency.~~

~~(d) In existing community water systems, if any MCL in Table 64449-A is exceeded, the water supplier may be required, following an investigation by the Department, to conduct a study.~~

~~(1) The investigation by the Department shall determine the extent of:~~

~~(A) Noncompliance with the MCLs.~~

~~(B) Consumer dissatisfaction which is based upon the secondary drinking water standards.~~

~~(2) The study conducted by the water supplier shall:~~

~~(A) Be conducted in a manner and in accordance with a schedule acceptable to the Department and be completed in a period of time not to exceed one year.~~

~~(B) Be made by persons acceptable to the Department.~~

~~(C) Determine the degree of consumer acceptance of the water supply.~~

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~~(D) — Investigate the causes and methods of correction, and estimate the cost of one or more alternative solutions.~~

~~(3) — The results of the study conducted by the water supplier shall be made available to the:~~

~~(A) — Users at an appropriately noticed public meeting.~~

~~(B) — Department.~~

~~(C) — Public Utilities Commission, if appropriate.~~

~~(e) — The requirements of (b)(2) and (3) may be waived by the Department following the completion of an investigation as required in (d) based upon, but not necessarily limited to:~~

~~(1) — Consumer acceptance of water not meeting the MCLs shown in Table 64449-A.~~

~~(2) — Economic considerations.~~

~~(d f)~~ For the constituents shown on Table 64449-B, no fixed consumer acceptance contaminant level has been established.

(1) Constituent concentrations lower than the Recommended contaminant level are desirable for a higher degree of consumer acceptance.

(2) Constituent concentrations ranging to the Upper contaminant level are acceptable if it is neither reasonable nor feasible to provide more suitable waters.

(3) Constituent concentrations ranging to the Short Term contaminant level are acceptable only for existing systems on a temporary basis pending construction of treatment facilities or development of acceptable new water sources.

~~(e g)~~ New services from systems serving water which carries constituent concentrations between the Upper and Short Term contaminant levels shall be approved only:

(1) If adequate progress is being demonstrated toward providing water of improved mineral quality.

(2) For other compelling reasons approved by the Department.

~~(h f)~~ A water system may apply to the Department for a waiver from the monitoring frequencies specified in ~~paragraph subsection (e b) of this section~~, if the system has conducted at least three rounds of monitoring (three periods for groundwater sources or three years for approved surface water sources) and these analytical results are less than the MCLs. The water system shall specify the basis for its request. A system with a waiver shall collect a minimum of one sample per source while the waiver is in effect and the term of the waiver shall not exceed one compliance cycle (i.e., nine years).

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(i g) Nontransient-noncommunity and transient-noncommunity water systems shall monitor for bicarbonate, carbonate, and hydroxide alkalinity, calcium, iron, magnesium, manganese, pH, specific conductance, sodium, and total hardness at least once. In addition, nontransient-noncommunity water systems shall monitor for the constituents in Tables 64449-A and B at least once. ~~as follows:~~

~~(1) All systems shall monitor all sources at least once.~~

~~(2) Surface water sources for parks and other facilities with an average daily population use of more than 1000 people and/or which are determined to be subject to potential contamination based on a sanitary survey shall be monitored at the same frequency as community water systems.~~

NOTE: Authority cited: Sections 100275 and 116375, Health and Safety Code.

Reference: Sections 116385, 116555 and 116610, Health and Safety Code.

Section 64449.2. Waivers for Secondary MCL Compliance.

(a) The following are eligible to apply for a nine-year waiver of a secondary MCL in Table 64449-A for any constituent that does not also have a primary MCL, as long as the constituent is not present at concentrations greater than three times the secondary MCL or greater than the State Action Level if the constituent has one:

(1) An existing water system; or

(2) A new source being added to an existing system, as long as:

(A) The source is not being added to expand system capacity for further development; and

(B) The concentration of the constituent of concern in the new source does not exceed the average value of the constituent's concentration in the existing water delivered by the system by more than 20%.

(b) To apply for a waiver of a secondary MCL, the system shall conduct and submit a study to the Department within one year of violating the MCL that includes the following:

(1) The system complaint log, along with any other evidence of customer dissatisfaction, such as a log of calls to the county health department;

(2) An engineering report prepared by an engineer registered in California and experienced in drinking water treatment that evaluates all reasonable alternatives and costs for bringing the system into MCL compliance and makes a recommendation for the most cost-effective and feasible approach;

(3) The results of a customer survey distributed to all its bill-paying customers that has first been approved by the Department based on whether it includes:

(A) Estimated costs to individual customers of the most cost-effective alternatives presented in the engineering report that are acceptable to the Department based on its review of their effectiveness and feasibility;

(B) The query: "Are you willing to pay for *(constituent exceeding the MCL)* removal treatment?";

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(C) The query: “Do you prefer to avoid the cost of treatment and live with the current water quality situation?”

(D) The statement: “If you do not respond to this survey, _____ (system name) will assume that you are in support of the removal treatment recommended by the Engineering Report.”

(4) Brief report of a public meeting held by the system to which customers were invited, and at which both the tabulated results of the survey and the engineering report were presented and the public was asked for input.

(c) To apply for an MCL waiver for iron and/or manganese, in addition to the requirements in subsection (b), a system shall include the option of sequestering:

(1) As one of the alternatives evaluated in the Engineering Report;

(2) In the customer survey as a query: “Are you willing to pay for iron and/or manganese sequestering treatment?”

(d) If less than 50% of the bill-paying customers respond to the survey, the water system shall conduct another survey within three months from the date of the previous survey.

(e) If the customer survey indicates that the sum of the number of survey respondents that voted for removal treatment and the number of bill-paying customers that did not respond to the survey at all exceeds 50%, the system shall install treatment within three years from the date the system completed the customer survey, pursuant to a schedule established by the Department.

(f) For iron and/or manganese MCL waiver applications, if the sum of the number of respondents that voted for treatment and those that voted for sequestering exceeds the percentage that voted to avoid the cost and live with the current water quality situation, the system shall implement either treatment or sequestering, on the basis of which was associated with the higher percentage. If the highest percentage result is for sequestering, the system shall submit a seque stering implementation and assessment plan to the Department that includes:

(1) A description of the pilot testing or other type of evaluation performed to determine the most effective sequestering agent for use in the system’s water;

(2) The sequestering agent feed rate and the equipment to be used to insure that the rate is maintained for each source;

(3) An operations plan; and

(4) The projected cost of sequestering including capital, operations and maintenance costs.

(g) To apply for renewal of a waiver for a subsequent nine years, the system shall request approval from the Department at least four months before the end of the nine years. The request shall include all monitoring and treatment operations data for the constituent with the waiver and any related customer complaints submitted to the water system. Based on its review of the data and customer complaints, the Department may

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require the water system to conduct another customer survey pursuant to this section before making a determination on renewing the waiver.

NOTE: Authority cited: Sections 100275 and 116375, Health and Safety Code.

Reference: Sections 116385, 116555 and 116610, Health and Safety Code.

Section 64449.4. Use of Sources Without a Waiver that Exceed a Secondary MCL.

To use a source without a waiver that exceeds one or more of the secondary MCLs in Table 64449-A for standby service or to meet peak demands, the water supplier shall meet the following conditions:

- (a) Meter the source's monthly production;
- (b) Do not use the source for more than five consecutive days or 15 days per year, with use for any part of a day constituting a full day's use;
- (c) Ensure that the concentration of the constituent does not exceed an action level or twice the secondary MCL anywhere in the distribution system;
- (d) As a minimum, conduct public notification by including information on the source's use (dates, constituent levels, and reasons) in the Consumer Confidence Report; whenever possible, provide public notice prior to use of the source; and
- (e) Take corrective measures such as flushing after the source is used to minimize any residual levels of the constituent in the distribution system.

NOTE: Authority cited: Sections 100275 and 116375, Health and Safety Code.

Reference: Sections 116385, 116555 and 116610, Health and Safety Code.